

## CHAPTER 2: OFFICIALS, BOARDS, COMMISSIONS, AND EMPLOYEES

### 2.01 TOWN BOARD OF APPEALS

See Section 7.12 of the Town Zoning Code.

### 2.02 TOWN PLAN COMMISSION

- A. Authority; Establishment. The Town Board, having previously been authorized to exercise village powers under Wis. § Stat. 60.10(2)(c) by the electors of the Town, exercises village powers under Wis. § Stat. 60.22(3), to establish a seven (7) member Plan Commission pursuant to Wis. Stats §§ 61.35 and 62.23.
- B. Membership; Appointments.
- (1) The Plan Commission shall consist of seven members of recognized experience and qualifications appointed by the Town Board Chair and approved by the Town Board.
  - (2) No more than 1 member may be a Town Board Supervisor.
  - (3) No more than 1 member may be a member of the Board of Appeals.
  - (4) Members shall be appointed in April for staggered three year terms commencing May 1 and ending April 30.
  - (5) Members may be re-appointed to serve additional terms.
  - (6) Vacancies shall be filled in the same manner as appointments for full term.
  - (7) The Town Board Chair shall designate a Plan Commission Chair.
- C. Commission Staff.
- (1) Recording Secretary. The Town Clerk-Treasurer, or the Clerk-Treasurer's designee, shall act as recording secretary for the Commission to: prepare its correspondence; receive and file all referrals, applications, papers, and records; prepare, publish, and mail all required notices; and prepare and keep its minutes and records of its proceedings.
  - (2) When requested by the Commission, the Town Building Inspector, Town Attorney, Town Engineer or other Town staff shall attend meetings to provide technical assistance.
- D. Meetings.
- (1) The Plan Commission shall meet at least annually, and more often as needed as determined by the Town Clerk-Treasurer or pursuant to the request of the Town Board.
  - (2) Special meetings may be called by the Commission Chair or upon the written request of four (4) members of the Commission to the Town Clerk-Treasurer. Notice of special meetings shall be provided to all Commission members and posted at least twenty-four (24) hours prior to the meeting.
  - (3) Minutes of the proceedings and a record of all Commission actions shall be kept by the Town Clerk-Treasurer or the Clerk-Treasurer's designee, showing the vote of each member upon each question, the reasons for the Commission's determination,

and its findings. These records shall be filed in the off of the Town Clerk-Treasurer and shall be a public record.

**E. Jurisdiction; Duties; Powers.** The Plan Commission shall have the following jurisdiction, duties, and powers:

- (1) Propose or review and recommend text and map amendments to the Town Zoning Ordinance for consideration and final action by the Town Board.
- (2) Prepare and recommend to the Town Board land division regulations and amendments thereto in accordance with § 236.45. Wis. Stats.
- (3) Exercise the powers authorized by Wisconsin law, including those referenced in § 62.23(4), Wis. Stats.
- (4) Consider and make recommendations on all matters referred to the Commission, including those reference in § 62.23(5), Wis Stats.
- (5) Make and recommend to the Town Board an official map and amendments thereto in accordance with § 62.23(6), Wis. Stats.

## **2.03 Board of Review**

**A. Members.** Pursuant to s. 70.46(1), Wis. Stats., the Town Board shall constitute the Town Board of Review.

**B. Alternates.**

(1) **Appointment.** The Town Chairperson shall nominate, subject to confirmation by the Town Board, at least two (2) and up to four (4) alternates to serve on the Board of Review.

(2) **List.** The Town Clerk shall maintain the list of alternate Board of Review members, arranged in a priority order of probable and likely service as an alternate.

(3) **Procedure.** The Town Clerk shall notify any Board of Review member who has been lawfully removed under s. 70.47(6m)(a) or (b), Wis. Stats., and shall then notify the alternate member of his or her appointment to replace a named member. An alternate could also be used due to a regular member's absence or inability to act. The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate s. 19.59, Wis. Stats., shall then take the oath of office and act as a member of the Board of Review under s. 70.47(6m)(c), Wis. Stats.

**C. Compensation.** Compensation for all Board of Review members shall be Thirty-five Dollars (\$35.00) for each half day [four (4) hours] or portion thereof, not to exceed One Hundred Five Dollars (\$105.00) per day.

**D. Confidentiality of Records.** See Section 1.06.”



## 2.04 EMPLOYEE GRIEVANCE PROCEDURE

A. Purpose: This grievance procedure is adopted pursuant to s. 66.0509(1m), Wis. Stat., and is intended to provide a timely and orderly review of disputes regarding:

- (1) employee terminations,
- (2) employee discipline, and
- (3) workplace safety.

C. Definitions for terms used in this document:

- (1) "Days": means calendar days, excluding legal holidays as defined in s. 995.20, Wis. Stat.
- (2) "Discipline": means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.
- (3) "Hearing Officer": means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The hearing officer will be selected by the town board and shall not be an employee of the Town.
- (4) "Termination": means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment ("no call, no show" or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.
- (5) "Workplace Safety": means any practice or condition, affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to the same.

D. Process and Timelines:

- (1) The employee must file a written grievance with the town clerk within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. Grievance forms may be obtained



from the clerk. The town clerk shall inform the employee's immediate supervisor and the town chair about receipt of the written grievance as soon as practicable.

- (2) The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the clerk's office. If no one has been designated the employee's immediate supervisor, the employee will meet with the town chair who shall then provide the written response.
- (3) The employee may request an appeal to the hearing officer by filing a written request with the town clerk within 10 days of receiving the written response. The town clerk shall notify the town chair and employee's supervisor about the filing of the request for a hearing as soon as practicable. The town will work with the hearing officer and grievant to schedule a mutually agreeable hearing date.
- (4) The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the town clerk with a copy of the decision for filing in the clerk's office.
- (5) The non-prevailing party may file a written request with the town clerk for an appeal to the town board within 10 days of receipt of the hearing officer's decision. The clerk shall notify the town chair about the request as soon as possible. The town board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The town board may sustain, deny or modify the decision of the hearing officer. The decision of the town board shall be final and binding. A copy of the board's decision shall be provided to the employee and filed in the town clerk's office.
- (6) All timelines may be extended by mutual written agreement of the town board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
- (7) If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the town clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
- (8) If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
- (9) The grievant and town board may mutually agree in writing to waive a step or multiple steps within the procedure.
- (10) Granting the requested or agreed upon remedy resolves the grievance.

**E. Grievance Requirements:**

- (1) The written grievance must contain:
  - (a) A statement of the pertinent facts surrounding the nature of the grievance.

- (b) The date the incident occurred or the date the alleged workplace safety concern was discovered.
- (c) The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
- (d) The specific remedy requested; and
- (e) A description of the workplace safety rule alleged to have been violated, if applicable.

**F. Supervisor's Response:**

- (1) The supervisor's written response to the employee's written grievance must contain:
  - (a) A statement of the date the meeting between the employee and supervisor was held.
  - (b) A decision as to whether the grievance is sustained or denied.

**G. Procedure Before the Hearing Officer:** The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The hearing officer will determine whether the town acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the town. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence.

The hearing officer may require the employee and town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.

If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

**H. Hearing Officer's Decision:**

- (1) The hearing officer's written decision must contain:
  - (a) A statement of pertinent facts surrounding the nature of the grievance.
  - (b) A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
  - (c) A statement outlining the timeline to appeal the decision.



**I. Representation:** Both the employee and the town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

**J. Consolidation:** The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists.

If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

**K. Costs:** Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half.

## **2.05 DUTIES OF TOWN CONSTABLE (SEC. 60.22(4) AND 60.35)**

**A. JURISDICTION AND DUTY.** The Town Constable shall, under the direction of the Town Board, have authority to act on its behalf to:

- (1) See that Town orders and regulations are obeyed;
- (2) See that peace and order are maintained in the Town.
- (3) Perform all other duties delegated by the Town Board.

**B. NONEXCLUSIVELY.** Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

**C. EFFECT.** This ordinance shall become effective January 1, 1985. (12-4-84)

## **2.06 DUTIES OF BUILDING INSPECTOR**

**A. CREATION AND SELECTION OF INSPECTOR:** There is hereby created the position of Building Inspector. At the discretion of the Town Board, the Building Inspector may be an employee of the Town, or an independent contractor retained to perform the duties of the Building Inspector. The Building Inspector shall be certified for inspection purposes by the Wisconsin Department of Safety and Professional Services (formerly Wisconsin Department of Commerce) in each of the categories specified under Chapter SPS (formerly COMM 5.63), Wisconsin Administrative Code. To ensure certification in all required areas, one or more persons or firms may be selected to fill the position.

**B. DUTIES:** The Building Inspector shall administer and enforce all provisions of Chapter 8: Building Regulations of the Mosel Municipal Code and Chapters SPS 320-325 (formerly COMM 20-25) of the Wisconsin Administrative Code (the Uniform Dwelling Code). In addition, the inspector shall confirm with the Town Clerk-Treasurer, through established written procedures, that all applications comply with the Town Zoning Code or other applicable Town regulations.

**C. POWERS:** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in the performance of his/her duties.

**D. RECORDS:** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code.